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December 10, 1992

SUSAN H. ROSENAU
ADMITTED IN D.C. ONLY

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OUR FILE NO.
1028-101-60

Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: Counter-Proposal of Monte Corporation,
RM-8084, MM Docket No. 92-241

Dear Ms. Searcy:

On behalf of Monte Corporation, permittee of KBRD(FM), Seaside, Oregon, enclosed for filing please find the original and four copies of the Counter-Proposal of Monte Corporation to Petition for Rule Making of Pacific Northwest Broadcasting Corporation.

Kindly communicate any questions directly to this office.

Yours very truly,

Susan H. Rosenau
Susan H. Rosenau

Enclosures

cc: Mr. Monte R. Clark

Mr. Clark
12/10/92

CH4

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DEC 10 1992

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter Of)
)
)
Amendment of Section 73.202(b))
Of the Table of Allotments,)
FM Broadcast Stations (Camas,)
Washington and Seaside, Oregon))
)

MM Docket No. 92-241
RM -- 8084

TO: Chief, Allocations Branch
Policy and Rules Division

**COUNTER-PROPOSAL OF MONTE CORPORATION TO PETITION FOR RULE
MAKING OF PACIFIC NORTHWEST BROADCASTING CORPORATION**

Pursuant to Sections 1.415 and 1.420 of the Commission's Rules, Monte Corporation, by its attorneys, respectfully submits the following counterproposal to Pacific Northwest Broadcasting Corporation's Petition for Rule Making and Request for Issuance of Order to Show Cause, served August 28, 1992 ("Petition"). In support thereof, Monte Corporation ("Monte") states as follows:

1. This Counterproposal is timely filed pursuant to the Order to Show Cause released by the Commission on October 26, 1992, *Camas, Washington and Seaside, Oregon*, DA 92-1333 (MMB, October 26, 1992).

2. In its Petition, Pacific Northwest Broadcasting Corporation, permittee of WMUZ-FM, Camas, Washington ("Pacific") proposed that the Commission amend the FM Table of Allotments by replacing Channel 234C3 in Camas, Washington with Channel 234C2, and by replacing Channel 234A in Seaside, Oregon with Channel 235A.

3. Pacific further requested that the Commission modify its construction permit for WMUZ-FM to specify operation on Channel 234C2 in lieu of Channel 234C3, and issue an order to show cause why Monte's construction permit for KBRD(FM) should not be modified to specify operation on Channel 235A in lieu of Channel 234A.

4. Monte proposes that, if the Commission were to allot FM Channel 251A to Seaside, Oregon in lieu of either Channel 234A (Monte's present channel) or Channel 235A (the channel proposed in Pacific's Petition), and modify Monte's construction permit for operation on Channel 251A, Monte would be afforded an opportunity in the near future for an upgrade in service. A review of the Commission's database reveals that KING-FM, Seattle, Washington, intends to move its transmitter site from Queen Anne's Hill to West Tiger Mountain. The Commission modified KING-FM's construction permit accordingly on November 10, 1992 (File No. BPH-920707ID). The spacing between Monte's proposed site and KING-FM's West Tiger Mountain site is sufficient to permit KBRD(FM) to upgrade its service from Channel 251A to Channel 251C3.

5. Further, as set forth the Engineering Statement of Kenneth Williams, Jr., P.E., submitted herewith as Attachment 1, allotment of Channel 251A would increase Monte's service area and allow Monte to reach a greater number of listeners.

6. Monte's proposed antenna site coordinates are (N)45-54-35 and (W) 123-56-07 (*see* Attachment 1). These coordinates comply with the Commission's minimum distance requirements and the 9 km site restriction applicable to Channel 251.

7. At the foregoing coordinates, KBRD(FM) can locate a tower and transmitter which will place a 70 DBU contour beyond the city boundaries of its community of license. The proposed 70 DBU contour is set forth in Exhibit No. 5 to Attachment 1. Accordingly, Monte's counterproposal complies with Section 73.315(a) of the Commission's Rules. KBRD(FM) will obtain the necessary Canadian consent to its proposed site.

8. All known spacings between KBRD(FM)'s proposed site and the other allotted and proposed stations in the area, including stations in Canada, are greater than the minimum required by Section 73.207 of the Commission's Rules. There appear to be no conflicts with KBRD(FM)'s proposal.

9. In its Petition, Pacific has acknowledged its obligation to reimburse Monte for the reasonable expenses incurred in connection with changing Monte's operating frequency. Petition at ¶6. Because Monte's counterproposal permits Pacific to accomplish its upgrade, allows Monte to increase its service area and population, and potentially upgrade its signal at a later date, the Commission should adopt Monte's counterproposal in lieu of Pacific's proposal and order Pacific to pay Monte's reasonable expenses for relocating. *See Milan, Metter, Swainsboro and Wrens, Georgia*, 6 FCC Rcd 5793, 5793-94 (MMB, 1991). In accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967), Monte will negotiate in good faith with Pacific to determine the amount of reimbursement to which it is entitled.

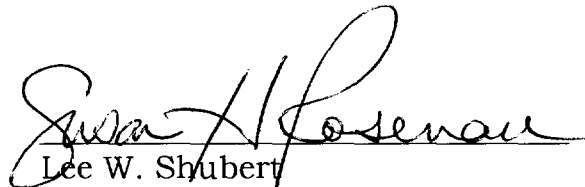
10. If the Commission grants Monte's counterproposal, Monte will promptly file its application to modify its construction permit and, upon grant of its application, promptly construct and operate its modified facilities at Seaside, Oregon.

CONCLUSION

For the foregoing reasons, Monte Corporation respectfully requests that the Commission: (1) modify the proposal set forth in Pacific's Petition as set forth in Monte's Counterproposal, and accordingly allot Channel 251A to Seaside, Oregon in lieu of either Channel 234A or Channel 235A; and (2) modify Monte's construction permit for operation on Channel 251A.

Respectfully submitted,

MONTE CORPORATION

A handwritten signature in cursive script, appearing to read "Susan H. Rosenau".

Lee W. Shubert
Susan H. Rosenau

Its Attorneys

HALEY, BADER & POTTS
Suite 900
1450 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
December 10, 1992

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

Louise Cybulski
John F. Garziglia
Pepper & Corazzini
200 Montgomery Building
1776 K Street N.W.
Washington, D.C. 20006

Michael C. Ruger*
Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau
2025 M Street N.W.
Room 8318
Washington, D.C. 20554

A handwritten signature in cursive script, appearing to read "Tracy B. Potts", is written over a horizontal line.

December 10, 1992

ENGINEERING EXHIBITS

**COUNTER-PROPOSAL OF
MONTE CORPORATION
FOR ALLOCATION OF
FM CHANNEL 251(A) 98.1 MHz**

**KENNETH WILLIAMS, JR., P.E.
CONSULTING ENGINEER
(206) 756-7544
TACOMA, WASHINGTON**

GENERAL ENGINEERING STATEMENT

The following Engineering data supports a request to amend Section 73.202(b), FM Table of Allotments.

This proposal will not alter other presently assigned or allotted channels or result in short spacing with existing and proposed stations in the U.S. or Canada.

FM channel 251A can be allotted to Seaside, Oregon in compliance with the Commission's minimum distance separation requirements with a site restriction of 9 km South of Seaside, Oregon.

Distance from the restricted site to various channels are shown on attached exhibit No. 1. All distance values are in km.

All known spacings are greater than the minimum required.

The proposed site is within 320 km of the Canadian-U.S. border, thus Canadian concurrence is required.

There is ample space in the restricted site area to locate a tower and transmitter which will provide a 70 DBU contour which extends well beyond the most distant City Boundaries of Seaside. The placement of the 70 DBU arc across the City is shown as exhibit No. 5.

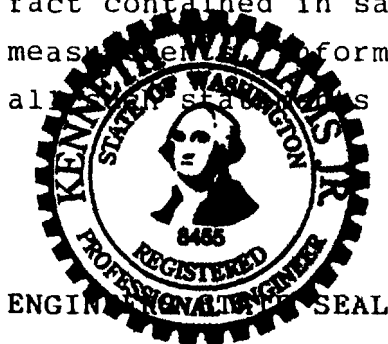
There are no known conflicts with our proposal to allocate this channel to Seaside, Oregon.

The proposed change in channel allotment with site change will result in a modest increase in population and service area.

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

The Engineering data herein, was prepared by him or under his supervision, and all representation of fact contained in said report is based on affiants measurement, information and belief, and he believes all statements herein to be true and correct.

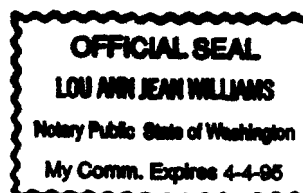
Kenneth Williams
(affiant)



EXPIRES: 07 / 16 / 2011

Sworn to before me, Forrest J. Williams, a Notary
Public of Tacoma, Washington, on this 24th day of
October, 1992.

NOTARY STATE SEAL



CLASS A FM CHANNEL STUDY

** CHANNEL 251 **

REFERENCE SITE - SEASIDE, OR

N. 45 54 35 W. 123 56 7

CHANNEL & CLASS STATUS	CALL	Owner/Applicant CITY STATE	FILE No.	Horz->AHAAT/ERP/AMSL Vert->AHAAT/ERP/AMSL	(m)	(kw)	(m)	LATITUDE LONGITUDE	AZIMUTH [MARGIN]	DIST (km)
97.5 Mhz. Stephanie Linn										
248	C2	KSHL	Gleneden Beach		257	17.0	339	44-45-22	184.0	128.5
	FM	CP	OR	BPH 890118MA	257	17.0	339	124- 2-57	73.5	KM CLEAR
97.7 Mhz. Nugent Broadcasting Corporation										
249	C2	KACIFM	The Dalles		272	4.2	613	45-38-56	98.0	209.0
	FM	LIC	OR	BLH 900424KI	272	4.2	613	121-16-20	154.0	KM CLEAR
97.7 Mhz. Pacific Broadcasting Company										
249	A	KSWW	Raymond		280	.230	366	46-41-44	8.2	88.3
	FM	LIC	WA	BLH 841105DW	280	.230	366	123-46-17	57.3	KM CLEAR
97.7 Mhz. Pacific Broadcasting Company										
249	C3	KSWW	Raymond		279	3.1	366	46-41-44	8.2	88.3
	FM	CP	WA	BPH 900816IG	279	3.1	366	123-46-17	46.3	KM CLEAR
97.9 Mhz. Combined Communications, Incorporated										
250	C	KUGNFM	Eugene		308	100.	500	44- 0- 8	163.0	221.7
	FM	LIC	OR	BLH 910528KF	308	75.	500	123- 6-50	56.7	KM CLEAR
98.1 Mhz. Classic Radio, Inc.										
251	C	KINGFM	Seattle		319	100.	366	47-37-55	32.3	226.5
	FM	CP	WA	BPH 861104IE	319	100.	366	122-20-59	0.5	KM CLEAR
98.1 Mhz. Classic Radio, Inc.										
251	C	KINGFM	Seattle		714	57.	940	47-30-14	40.2	232.1
	FM	APP	WA	BMPH 920707ID	714	57.	940	121-58-29	6.1	KM CLEAR
98.1 Mhz. Classic Radio, Inc.										
251	Cl	KINGFM	Seattle		213	100.	305	47-37-55	32.3	226.5
	FM	LIC	WA	BLH 6462				122-20-59	26.5	KM CLEAR
98.5 Mhz. Scripps-Howard Broadcasting Company										
253	C	KUPLFM	Portland		337	95.	427	45-27-13	115.1	119.5
	FM	LIC	OR	BLH 860324KF	337	95.	427	122-32-45	24.5	KM CLEAR

>>>>> END OF CHANNEL 251 SEARCH <<<<<<

PETITION TO AMEND
SECTION 73.202(B)

EXHIBIT No. 1
CLASS A FM CHANNEL STUDY

CHANNEL 251 A - 98.1 MHZ - SEASIDE, OREGON

1992

Starting point coordinates: 45 54 35 123 56 7

Maximum distance: 16.0 km

Azimuth	Endpoint Coordinates		3 - 16 km Average Elevation
.0	46.0536	123.9353	26.5 meters
45.0	46.0114	123.7887	241.6
90.0	45.9095	123.7284	140.1
135.0	45.8079	123.7893	367.7
180.0	45.7658	123.9353	230.0
225.0	45.8079	124.0813	.2
270.0	45.9095	124.1421	.0
315.0	46.0114	124.0818	28.0

Average of all radials: 129.3 meters

PETITION TO AMEND
SECTION 73.202(B)

EXHIBIT No. 3
NDGC TERRAIN DATA

CHANNEL 251 A - 98.1 mHz. - SEASIDE, OREGON

1992

DISTANCES TO CONTOURS (Kilometers):

Frequency: 98.1000 MHz

F(50,50) Curves Number of Contours: 2

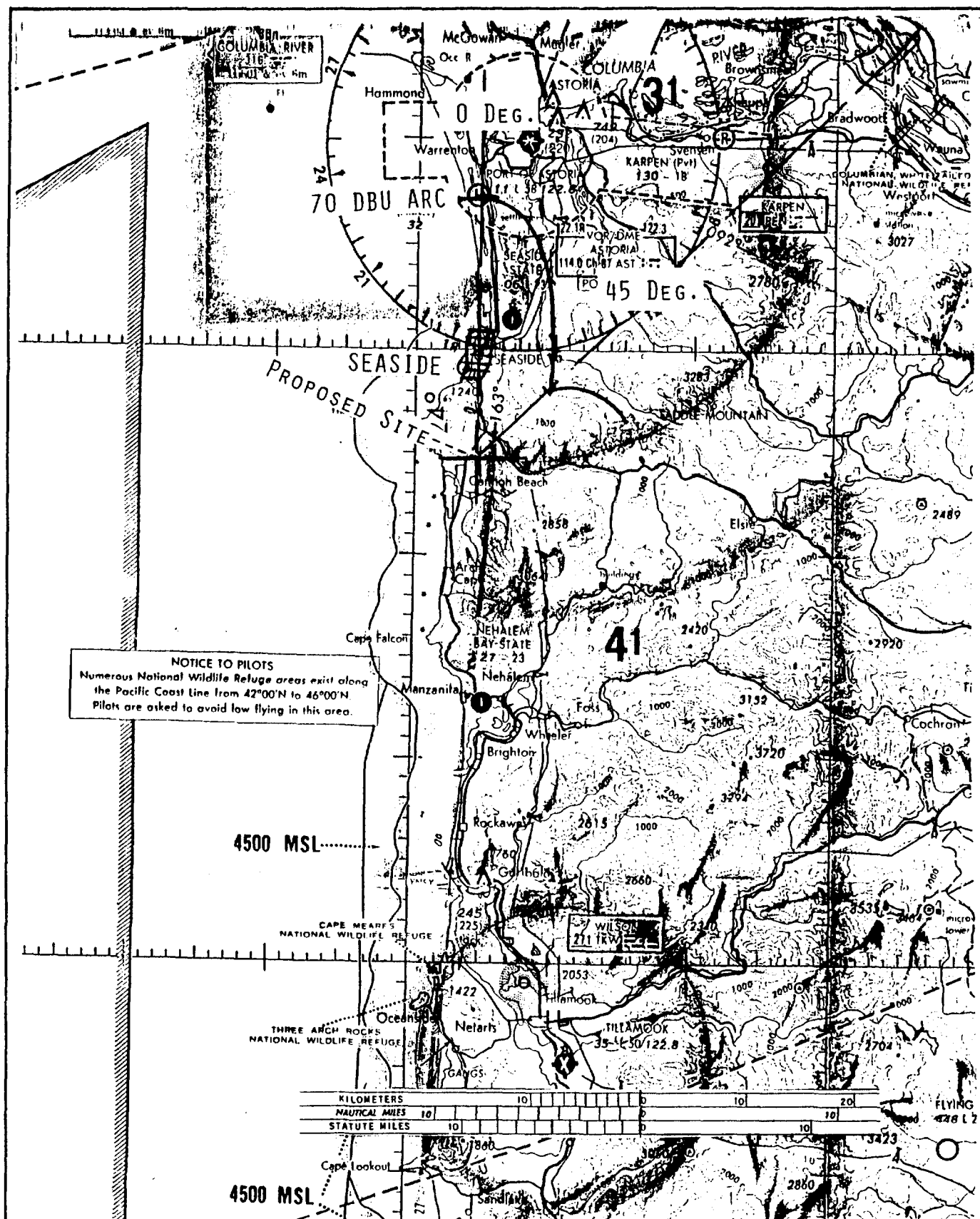
AZ (degs)	HAAT (m)	ERP (dBk)	CONTOUR LEVELS (dBu):	
			70.0	60.0
.0	203	7.80	23.3	38.8
45.0	-12	7.80	8.9	15.9
90.0	89	7.80	15.3	27.1
135.0	-138	7.80	8.9	15.9
180.0	-1	7.80	8.9	15.9
225.0	229	7.80	24.6	40.8
270.0	229	7.80	24.6	40.8
315.0	201	7.80	23.2	38.7

PETITION TO AMEND
SECTION 73.202(B)

EXHIBIT No. 4
TABULATED SERVICE CONTOUR DATA

CHANNEL 251 A - 98.1 mHz. - SEASIDE, OREGON

1992



PETITION TO AMEND
SECTION 73.202(B)

EXHIBIT No. 5
70 DBU ARC WITH RESPECT TO SEASIDE

CHANNEL 251 A - 98.1 mHz. - SEASIDE, OREGON

1992